

**EXEMPTION OF CERTAIN FSPS AND REPRESENTATIVES FROM QUALIFICATION  
REQUIREMENTS, 2009**

**Published under**

BN 173 in GG 32846 of 28 December 2009

**as amended by**

BN 93 in GG 33318 of 25 June 2010

BN 139 in GG 33653 of 13 October 2010

I, Dube Phineas Tshidi, Registrar of Financial Services Providers, hereby exempt under section 44(4) of the Financial Advisory and Intermediary Services Act, 2002, certain persons from section 13(2)(a) of the Act and paragraph 10(3)(a) to (c) of the Determination of Fit and Proper Requirements, 2008, to the extent and subject to the conditions set out in the Schedule.

(Signed)

**D P TSHIDI**

**Registrar of Financial Services Providers**

**SCHEDULE**

**1 Definitions**

In this Schedule, **'the Act'** means the Financial Advisory and Intermediary Services Act, 2002, any word or expression to which a meaning is assigned in the Act shall have that meaning, and unless the context otherwise indicates—

**'Determination of Fit and Proper Requirements'** means the Determination of Fit and Proper Requirements for Financial Services Providers, 2008;

**'financial product'** means—

- (a) health policies, disability policies and life policies issued under the Long-term Insurance Act, 1998, which provide only risk benefits, excluding—
  - (i) fund policies and fund member policies;
  - (ii) investment policies which guarantee a minimum return of any premium paid at a specified future date or dates, and where such minimum is ascertainable in Rand terms at inception;
  - (iii) health policies, disability policies and life policies which provide risk benefits and have a guaranteed investment value or a materially equivalent value;
  - (iv) annuities which guarantee a minimum annuity, ascertainable in Rand terms at inception, for the term of the policy;
  - (v) any long-term policy which combines any of the policy features in subparagraphs (i) to (iv); and
- (b) credit insurance policies referred to in the National Credit Act, 2005, which fall within a short-term policy defined in section 1(1) of the Short-term Insurance Act, 1998;

[Definition of 'financial product' substituted by BN 93 of 25 June 2010.]

'FSP' means JDG Trading (Pty) Ltd (FSP 3247), Ellerine Furnishers (Pty) Ltd (FSP 36219), Lewis Stores (Pty) Ltd (FSP 2815), Shoprite Checkers (Pty) Ltd (FSP 7732), Dealers Indemnity (Pty) Ltd (FSP 7317) and Full House Retail (Pty) Ltd (FSP 4441);  
 [Definition of 'FSP' substituted by BN 139 of 13 October 2010.]

'representative' means an individual appointed during 30 September 2004 and 31 December 2007 to render financial services on behalf of an FSP and who on 31 December 2009 renders financial services in respect of a financial product on behalf of an FSP.

## 2

A reference to the policies in the definition of financial product shall have the meaning assigned in the Long-term Insurance Act, 1998, and the Short-term Insurance Act, 1998, read with the National Credit Act, 2005, including any subordinate measure made thereunder.

[Para. 2 substituted by BN 93 of 25 June 2010.]

## 3 Extent and duration of exemption

(a) An FSP and a representative are hereby exempted from section 13(2)(a) of the Act and paragraph 10(3)(a) to (c) of the Determination of Fit and Proper Requirements, respectively, subject to the following conditions:

- (i) The representative must comply with paragraph 10(3)(a) to (c) of the Determination of Fit and Proper Requirements by 31 December 2011;
- (ii) the representative must render financial services under the supervision of a key individual of the FSP, as supervisor, and such supervision must be performed in accordance with paragraph 4 of the Exemption of Services under Supervision in terms of Requirements and Conditions, 2008;
- (iii) the representative must comply with paragraph 10(3)(d) and (e) of the Determination of Fit and Proper Requirements within the periods provided for;
- (iv) an appropriate qualification, recognised by the registrar, must be developed and registered with SAQA by one or more of the FSPs on or before 31 December 2010;
- (v) the FSP must, within three months of date of publication of this Exemption, furnish the registrar with a project plan that sets out the development, registration and implementation of the appropriate qualification to ensure that representatives will comply with the prescribed requirements by 31 December 2011; and
- (vi) the FSP must, within three months of date of publication of this Exemption, furnish the registrar with a list of names and identity numbers of the representatives to whom this Exemption applies.

(b) This Exemption expires on 31 December 2011.

## 4 Amendment and withdrawal of Exemption

This Exemption is subject to—

- (a) amendment thereof published by the registrar by notice in the *Gazette*; and
- (b) withdrawal in like manner.

## **5 Short title**

This Exemption is called the Exemption of Certain FSPs and Representatives from Qualification Requirements, 2009.